

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION

NO. 4:04-CR-56-2H  
NO. 4:07-CV-186-H

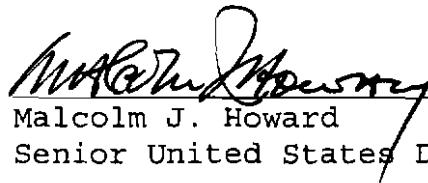
NATHAN PETWAY, )  
Petitioner, )  
v. )  
UNITED STATES OF AMERICA, )  
Respondent. )

ORDER

On November 18, 2010, an order was entered granting the government's motion to dismiss petitioner's motion to vacate his sentence brought pursuant to 28 U.S.C. § 2255. On November 29, 2010, this court entered an order denying a motion for certificate of appealability. Currently before the court is petitioner's motion for a certificate of appealability filed February 16, 2011. Having reviewed petitioner's motion, the court finds no reason to alter its prior order, and the motion for certificate of appealability [DE #162] is DENIED. Additionally, petitioner's motion for an extension of time to file a motion for a certificate of appealability [DE #161]

is DISMISSED AS MOOT.

This 5<sup>th</sup> day of April 2011.

  
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Malcolm J. Howard  
Senior United States District Judge

At Greenville, NC  
#26